

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION**

<b>BOBBY R. BROWN, Individually and on</b>	§	
<b>Behalf of all others similarly situated,</b>	§	
<i>Plaintiffs,</i>	§	
	§	
<b>v.</b>	§	<b>CIVIL ACTION NO. 4:69-cv-0074</b>
	§	
<b>BRAD LIVINGSTON, in his official capacity</b>	§	
<b>as Executive Director of the Texas</b>	§	
<b>Department of Criminal Justice,</b>	§	
<i>Defendant.</i>	§	

**DEFENDANT LIVINGSTON'S DESIGNATION OF WITNESSES**

TO THE HONORABLE JUDGE OF THE DISTRICT COURT:

Defendant Brad Livingston, in his official capacity as Executive Director of the Texas Department of Criminal Justice, through the Office of the Attorney General, submits his **Designation of Witnesses**. In support thereof, Defendant respectfully offers the following:

**PROBABLE WITNESSES**

- 1. Chaplain Bill Pierce**  
TDCJ Director of Chaplaincy Operations  
P. O. Box 99  
Huntsville, TX

Chaplain Pierce is the Director of Chaplaincy Operations. He will testify as to his knowledge of relevant TDCJ Chaplaincy policies, services and operations. He can testify as to his observations, actions, impressions and opinions, of the actions of the parties which form the basis of this suit.

- 2. Chaplain Akbar Shabazz**  
Muslim Area Chaplain  
c/o TDCJ Director of Chaplaincy Operations  
P. O. Box 99  
Huntsville, TX

Chaplain Shabazz is a Muslim Area Chaplain for the TDCJ Chaplaincy Department. He will testify as to his knowledge of Muslim services and chaplaincy services operations.

3. **Chaplain Omar Shakir**  
Muslim Area Chaplain  
c/o TDCJ Director of Chaplaincy Operations  
P. O. Box 99  
Huntsville, TX

Chaplain Skakir is a Muslim Area Chaplin for the TDCJ Chaplaincy Department. He will testify as to his knowledge of Muslim services and chaplaincy services operations. He can testify as to his observations, actions, impressions and opinions, of the actions of the parties which form the basis of this suit.

4. **Robert Eason**  
TDCJ-Correctional Institutions Division Deputy Director  
c/o Celamaine Cunniff, Assistant Attorney General  
P.O. Box 12548, Capitol Station  
Austin TX 78711

Director Eason will testify as to the security, staffing, operations, and operational costs concerns of TDCJ in response to the Class' allegations. He can testify as to his observations, actions, impressions and opinions, of the actions of the parties which form the basis of this suit. He will testify as to TDCJ policy and procedure as applicable to this suit. He will testify as an expert for TDCJ.

5. **Paula Gilbert**  
Section Director - Employment  
TDCJ Human Resources  
c/o Celamaine Cunniff, Assistant Attorney General  
P.O. Box 12548, Capitol Station  
Austin TX 78711

Ms. Gilbert is the Section Director of the Employment Section of the Human Resouces Division of TDCJ. Ms. Gilbert will testify as to staff shortages and TDCJ's inability to be fully staff at its facilities and the reasons for the shortages.

6. **Sherry Koenig or her designee**  
Budget Director of TDCJ's Budget & Finance Division  
c/o Celamaine Cunniff, Assistant Attorney General  
P.O. Box 12548, Capitol Station  
Austin TX 78711

Ms. Koenig will testify as to TDCJ's budget and budget procedures. Ms. Koenig will

provide testimony as to salary schedules, the agency's FTE cap, and other budgetary matters. Ms. Koenig will testify as to any other matter which falls within her purview.

**7. Jennifer Gonzalez or her designee**

Deputy Budget Director of TDCJ's Budget & Finance Division  
c/o Celamaine Cunniff, Assistant Attorney General  
P.O. Box 12548, Capitol Station  
Austin TX 78711

Ms. Gonzalez will testify as to TDCJ's budget and budget procedures. Ms. Gonzalez will provide testimony as to salary schedules, the agency's FTE cap, and other budgetary matters. Ms. Gonzalez will testify as to any other matter which falls within her purview.

**8. Assistant Warden Calvin Davis**

Connally Unit  
899 FM 632  
Kenedy, Tx 78119

Assistant Warden Davis will testify as to his personal knowledge of incidents involving religious services which demonstrate the need for supervision at religious services. He will testify as to building operations and staffing issues as to religious services. He will testify as to his knowledge of relevant TDCJ policies as applicable.

**9. Senior Warden Samuel Seale**

Dominguez State Jail  
6535 Cagnon Road  
San Antonio, Tx 78252

Senior Warden Seale will testify as to his personal knowledge of incidents involving religious services which demonstrate the need for supervision at religious services. He will testify as to building operations and staffing issues as to religious services. He will testify as to his knowledge of relevant TDCJ policies as applicable.

**10. Kelvin Scott**

Region II Director  
TDCJ - CID  
P. O. Drawer 400  
Tennessee Colony, Tx 75861

Regional Director Scott will testify as to incidents involving religious services which occurred in Region II and demonstrates the need for supervision at religious services. He will testify as to building operations and staffing issues as to religious services. He will testify as to his knowledge of relevant TDCJ policies as applicable.

**11. An Official of the Florida Department of Corrections<sup>1</sup>**  
Florida

An Official of the Florida Department of Corrections may testify as to their procedures for providing supervision at religious services. The Official may testify as to any other issues which is within his or her personal knowledge regarding the operations of the Florida Department of Corrections.

Defendant reserves the right to call any witness listed on the Class' witness list.

Defendant reserves the right to call any witness listed on the Dissenting Class' witness list.

Defendant reserves the right to call any witness listed on Intervenor Scott's witness list.

Defendant reserves the right to amend this list reasonably before trial.

Respectfully submitted,

GREG ABBOTT  
Attorney General of Texas

DANIEL T. HODGE  
First Assistant Attorney General

DAVID C. MATTAX  
Deputy Attorney General for Defense Litigation

KAREN D. MATLOCK  
Assistant Attorney General  
Chief, Law Enforcement Defense Division

/s/ Celamaine Cunniff  
CELAMAINE CUNNIFF  
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<sup>1</sup>Defendant will supplement this Designation with the name of the Florida DOC official when it becomes available.

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**ATTORNEYS FOR DEFENDANT  
LIVINGSTON**

**NOTICE OF ELECTRONIC FILING**

I, CELAMAINÉ CUNNIFF, Assistant Attorney General of Texas, do hereby certify that I have electronically submitted for filing a true and correct copy of the above and forgoing **Defendant Livingston's Designation of Witnesses** in accordance with the Electronic Case Files system of the Southern District of Texas, on this 9th day of September, 2013.

/s/ Celamaine Cunniff  
CELAMAINÉ CUNNIFF  
Assistant Attorney General

**CERTIFICATE OF SERVICE**

I, **CELAMAINE CUNNIFF**, Assistant Attorney General of Texas, certify that a true and correct copy of **Defendant Livingston's Designation of Witnesses** has been served by electronic means to the following counsel on this 9th day of September, 2013:

Mr. Gerald N. Birnberg  
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*Counsel for Plaintiffs' Class*

Mr. Scott Medlock  
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*Counsel for Dissenting Class Members*

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/s/ Celamaine Cunniff  
CELAMAINE CUNNIFF  
Assistant Attorney General